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State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

February 3, 2006

Mr. David Penney
2400 East 30 South
Box 312
Beaver, Utah 84713-0312

Subject: Extension of Abatement Date, Cessation Orders, Penney's Gemstones, Sliver 1-2, MC-2005-04-05, S/001/035, Beaver County, Utah and Little Spot, MC-2005-04-04, S/027/024, Millard County Utah

Dear Mr. Penney:

This letter is in response to your January 21, 2006 letter, wherein you request a time extension to complete the abatement for the above referenced Cessation Orders. I have discussed your situation with Mary Ann Wright, the Informal Conference Officer and she has agreed to allow you an additional 2 weeks to complete the abatement requirements. You now have until February 24, 2006 to complete the abatement requirements. Enclosed please find the modification notices that provide for the extension. Please pay particular attention to all of the abatement requirements. It is imperative that you complete the requirements as outlined and as discussed in the Informal Conference held on January 10, 2006.

We recognize that some of the requirements may take some time to complete (such as securing additional bond) and encourage you to commence the process of resolving these issues as quickly as possible. Thank you for your cooperation.

If you have any questions regarding this action please contact me at 801-538-5325.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron Haddock
Permit Supervisor
Minerals Regulatory Program

DRH:pb
Attachments: Modifications to CO's
P:\GROUPS\MINERALS\WP\M027-Millard\S0270024-LittleSpot\final\abateextension.doc



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MODIFICATION of
Notice of Violation / Cessation Order

To the following Permittee or Operator:

Name: David Penney

Mailing Address: 2400 East 30 South, Box 312, Beaver, Utah 84713-0312

Mine Name: Little Spot Permit Number: S/027/024

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Cessation Order No MC-2005-04-04 dated September 1, 2005

Part 1 of 1 is modified as follows:

The abatement date is modified to February 24, 2006. By this date, Mr. Penney is to do the following:

- 1.) Post \$8,800 additional bond (in addition to the \$9800 bond posted with the BLM) to cover 5 acres of disturbance and put Division of Oil, Gas, and Mining on all bonding instruments. In addition, fill out a Reclamation Contract and attach an accurate map.
- 2.) Mark the five acres of disturbance on the ground with fence posts or equivalent.
- 3.) Provide an accurate legal description for the disturbance.

Reason for modification is: Mr. Penney requested this extension because he will be out of town. This extension request was received by email on January 25, 2006. While Mr. Penney has completed seeding of area surrounding the disturbance, he has not submitted an adequate surety to cover the remaining disturbance nor has he completed all the permitting requirements of the site according to the Small Mine rules. This modification will allow the time necessary to complete the requirements in accordance with the agreements made during the informal conference held January 10, 2006.

Date of service/ mailing: February 1, 2006 Time of service/ mailing 3:00 PM ☐ a.m. ☒ p.m.

Date of inspection: June 30, 2005

David Penney
Permittee or Operator Representative

Title

Signature

Thomas Munson
Division of Oil, Gas & Mining Representative

Reclamation Specialist III
Title

Thomas Munson
Signature



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MODIFICATION of
Notice of Violation / Cessation Order

To the following Permittee or Operator:

Name: David Penney

Mailing Address: 2400 East 30 South, Box 312, Beaver, Utah 84713-0312

Mine Name: Sliver 1-2 Permit Number: S/001/035

Utah Mined Land Reclamation Act, Section 40-8-1 et. seq., *Utah Code Annotated (1953)*:

Cessation Order No MC-2005-04-05 dated September 1, 2005

Part 1 of 1 is modified as follows: The abatement date is modified until February 24, 2006. By this date, Mr. Penney is to obtain the rights to mine from Karl Truman or begin reclamation of the mine.

Reason for modification is: In an emailed letter received January 25, 2006, Mr. Penney stated he could not meet the deadline of February 7, 2006 imposed because of his being out of town. It should be noted that the actual deadline was February 10, 2006. This extension will allow him 2 additional weeks until February 24, 2006. If he has not completed his transaction with Mr. Truman by this date then immediate reclamation will be required

Date of service/ mailing: February 1, 2006 Time of service/ mailing 3:00 PM ☐ a.m. ☒ p.m.

Date of inspection: June 30, 2005

David Penney
Permittee or Operator Representative

Title

Signature

Thomas Munson
Division of Oil, Gas & Mining Representative

Reclamation Specialist III
Title

Thomas Munson

Signature

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